

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

FRANK ERVIN ALTIZER, JR, ) Civil Action No. 7:12-cv-00360  
Petitioner, )  
 )  
v. ) **ORDER**  
 )  
DIRECTOR, VIRGINIA )  
DEPARTMENT OF CORRECTIONS, ) By: Hon. Michael F. Urbanski  
Respondent. ) United States District Judge

In accordance with the written Memorandum Opinion entered this day, it is hereby

**ORDERED**

that the petition for a writ of habeas corpus is **DISMISSED without prejudice**, pursuant to Rule 4 of the Rules Governing § 2254 Cases; a certificate of appealability is **DENIED**; and the case is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this Order and the accompanying Memorandum Opinion to petitioner.

Entered: October 1, 2012

*/s/ Michael F. Urbanski*

Michael F. Urbanski  
United States District Judge